

January 21, 2000

Magalie Roman Salas
Office of the Secretary, TW-A306
Federal Communications Commission
445 12th Street, S.W.
Washington, DC
20554

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JAN 27 2000

Dear Madame Secretary:

FCC MAIL ROOM

Please find enclosed an original and nine copies of my comments concerning the Petition for Rulemaking assigned the file number RM-9806. Please date-stamp the enclosed stapled copy of my comments that does not bear a stamp in red stating "COPY" and please return it in the enclosed self-addressed stamped envelope. The original copy is not stapled.

Thank you for your time and consideration.

Respectfully Submitted,



Stephen Michael Kellat

Cc: Robert Hastings, President, California Six Meter Club

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1712 EAST 29TH STREET
ASHTABULA TOWNSHIP, OHIO
44004-5244

Before the
Federal Communications Commission
Washington, DC 20554

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JAN 27 2000

FCC MAIL ROOM

In the Matter of)
)
A Petition for Rulemaking to Amend)
Section 97.305 of the Commission's)
Rules to Expand Certain Types)
of Transmissions on Prescribed Portions)
of the Amateur VHF Bands)

RM-9806

Comments of Stephen Michael Kellat

1. *Introduction.* In a *Public Notice* issued on January 14, 2000 by the Consumer Information Bureau's Reference Information Center, it was indicated that the Commission would receive comments concerning petition for rulemaking¹ captioned above. As a duly licensed amateur radio operator, the proposal contained in the petition affects my operating privileges. As such, I do file my comments in this proceeding.

2. *Discussion.* The California Six Meter Club's (CSMC) petition appears to put forth an interesting proposition for modification of the Commission's rules. CSMC wishes to relieve the restriction on the band segments 50.00 – 50.100 MHz and 144.000 – 144.100 MHz to the use on those segments of the 6 meter and 2 meter bands solely of CW emissions. CSMC indicates that it has polled members of its organization and other concerning their operating habits. CSMC indicates that the poll of its members indicates a favorable attitude towards allowing other types of transmission on the band segments mentioned previously herein.

¹ The *Public Notice* also indicates that the Commission on August 25, 1999 received the petition.

3. The Commission released its *Report and Order* in the proceeding commonly referred to as the "amateur radio restructuring proceeding"². In paragraph 17 of the order, the Commission states in part, "We believe that in light of ongoing discussions concerning implementation of new and more modern communications technologies within the amateur service community, we should accord the amateur service community an opportunity to complete such discussions and possibly reach a consensus regarding implementation of new technologies before we undertake a comprehensive restructuring of the amateur service operating privileges and frequencies." The Commission expresses similar sentiment elsewhere in the order.

4. It appears that, even though CSMC's petition was filed in August 1999, the recently released order concerning restructuring does modify the playing field now for this and any other petitions now before the Commission requesting changes to the amateur services with respect to operating privileges and allocations. Even though filed in August 1999, the Commission did not put the petition on notice until now. As the comment period for the aforementioned petition began after the adoption of the restructuring order, I believe it necessary that my comments reflect the state of affairs now present.

5. It does not appear appropriate at this time, in light of the recently adopted order, to consider amendment to Section 97.305 of the Commission's rules. Discussion takes time. The American Radio Relay League and others have begun discussion of the

² *In the Matter of 1998 Biennial Regulatory Review -- Amendment of Part 97 of the Commission's Rules* (WT Docket No. 98-143, RM-9148, RM-9150, RM-9196). Adopted on December 22, 1999 and released on December 30, 1999.

use of new technologies, as indicated in the recently released order³, in the amateur services. When these kinds of discussion conclude at some point in the future, it might then be appropriate to consider the proposal contained in the petition.

6. *Conclusion.* Therefore, the foregoing premises being considered, I do hereby **OPPOSE at the present time** consideration of issuance of a Notice of Proposed Rulemaking concerning the proposal of the petition. It is premature to consider issuance of such a Notice at the present time due to the need for the discussions envisioned in the restructuring order to occur. When such discussions appear to conclude then I **SUPPORT** consideration of issuance of such a Notice and **FURTHER SUPPORT** consolidation of this proposal with others put forth in other petitions pending before the Commission.

Respectfully Submitted,



Stephen Michael Kellat
1712 East 29th Street
Ashtabula, Ohio
44004-5244

January 21, 2000

³ Paragraph 17 of the Report and Order

CERTIFICATE OF SERVICE

I, Stephen Michael Kellat, do certify that true and correct copies of the foregoing have been serviced upon those persons listed below by priority class United States Mail on January 21, 2000.

X Stephen Michael Kellat
Stephen Michael Kellat

01/21/2000

SERVICE LIST

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